



**Service of Process
Transmittal**

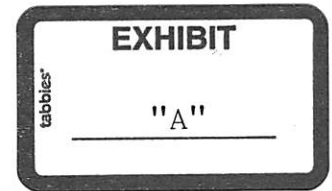
12/16/2019

CT Log Number 536820050

TO: MARC HODGE
FedEx Custom Critical, Inc.
1475 BOETTLE RD
UNIONTOWN, OH 44685-9584

RE: Process Served in West Virginia

FOR: FedEx Custom Critical, Inc. (Domestic State: OH)



ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: MICHELLE BONNETT, PLTF. vs. 1ST TIME TRANSPORTATION, LLC, ET AL., DFTS. // To: FEDEX CUSTOM CRITICAL, INC.

DOCUMENT(S) SERVED: Letter, Summons, Complaint, Attachment(s)

COURT/AGENCY: PUTNAM COUNTY - CIRCUIT COURT, WV
Case # 19C211

NATURE OF ACTION: Personal Injury - Vehicle Collision - 10/19/2017

ON WHOM PROCESS WAS SERVED: C T Corporation System, Charleston, WV

DATE AND HOUR OF SERVICE: By Certified Mail on 12/16/2019 postmarked on 12/11/2019

JURISDICTION SERVED : West Virginia

APPEARANCE OR ANSWER DUE: Within 30 days after service of this summons upon you, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Letisha R. Bika
FARMER, CLINE & CAMPBELL, PLLC
746 Myrtle Road (25314)
Post Office Box 3842
Charleston, WV 25338
304-346-5990

ACTION ITEMS: CT has retained the current log, Retain Date: 12/16/2019, Expected Purge Date: 12/21/2019

Image SOP

Email Notification, MARC HODGE marc.hodge@fedex.com

Email Notification, JULIE MOORE julie.moore@fedex.com

Email Notification, CANDICE CARLYON candice.carlyon@fedex.com

Email Notification, GABRIELLE LORENZO gabrielle.lorenzo@fedex.com

Email Notification, SCOTT ZACKAROFF scott.zackaroff@fedex.com

SIGNED: C T Corporation System
ADDRESS: 1999 Bryan St Ste 900



**Service of Process
Transmittal**

12/16/2019

CT Log Number 536820050

TO: MARC HODGE
FedEx Custom Critical, Inc.
1475 BOETTLER RD
UNIONTOWN, OH 44685-9584

RE: Process Served in West Virginia

FOR: FedEx Custom Critical, Inc. (Domestic State: OH)

Dallas, TX 75201-3140

For Questions:

877-564-7529

MajorAccountTeam2@wolterskluwer.com

Page 2 of 2 / RA

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CERTIFIED MAIL



U.S. POSTAGE >> PITNEY BOWES



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Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

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Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
888-767-8683
Visit us online:
www.wvsos.com

FEDEX CUSTOM CRITICAL, INC.
C. T. Corporation System
1627 QUARRIER ST.
CHARLESTON, WV 25311

Control Number: 249576

Defendant: FEDEX CUSTOM CRITICAL, INC.
1627 QUARRIER ST.
CHARLESTON, WV 25311 US

Agent: C. T. Corporation System

County: Putnam

Civil Action: 19-C-211

Certified Number: 92148901125134100002624962

Service Date: 12/9/2019

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

MICHELLE BONNETT,

Plaintiff,

vs.

CIVIL ACTION NO. 19-C-211

HONORABLE: Stowers

**1ST TIME TRANSPORTATION, LLC,
FEDEX CUSTOM CRITICAL, INC.,
ESCARGO LLC, AND
CHRISTOPHER BURCH,**

Defendants.

**To: FEDEX CUSTOM CRITICAL, INC
c/o CT Corporation System
1627 Quarrier Street
Charleston, WV 25311**

ACCEPTED FOR
SERVICE OF PROCESS
2019 DEC -9 P 3:19
SECRETARY OF STATE
STATE OF WEST VIRGINIA

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon Letisha R. Bika, Plaintiff's attorney, whose address is Post Office Box 3842, Charleston, West Virginia 25338, an answer, including any related counterclaim you may have, to the **Complaint** filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 10-15-19

William Mullins
Clerk of Court

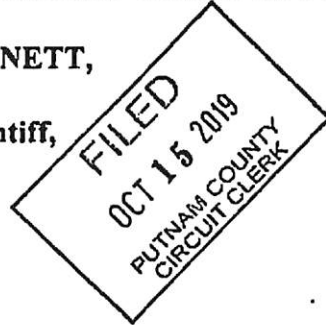
By: CM

IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

MICHELLE BONNETT,

Plaintiff,

vs.



CIVIL ACTION NO. 19-C-211

HONORABLE: Stowers

1ST TIME TRANSPORTATION, LLC,
FEDEX CUSTOM CRITICAL, INC.,
ESCARGO LLC, AND
CHRISTOPHER BURCH,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, Michelle Bonnett, by and through her counsel, Robert D. Cline, Jr., Robert A. Campbell, Letisha R. Bika and the law firm of Farmer, Cline & Campbell, PLLC, and hereby states as follows for her complaint:

Jurisdiction and Venue

1. Plaintiff, Michelle Bonnett, is a resident of Poca, Putnam County, West Virginia.
2. Defendant, Christopher Burch (hereinafter referred to as Defendant Burch), upon information and belief, resides in Winter Haven, Florida, 33881.
3. Defendant, 1st Time Transportation, LLC (hereinafter referred to as Defendant 1st Time), is, upon information and belief, an Ohio limited liability company, having a principal office address at 14301 N. Industrial Avenue, Maple Heights, Ohio, 44137. Defendant 1st Time, among other business pursuits, operates as a motor carrier.
4. Defendant, Fedex Custom Critical, Inc., (hereinafter referred to as Defendant Fedex), is, upon information and belief, an Ohio corporation, having a principal office address at 1475

Boettler Road, Uniontown, Ohio 44685. Defendant Fedex, among other business pursuits, operates as a motor carrier.

5. Defendant, Escargo, LLC (hereinafter referred to as Defendant Escargo), is, upon information and belief, a Florida limited liability company, having a principal office address at 2903 Lakeside Commons Drive, Apt. 103, Tampa, Florida 33613. Defendant Escargo, among other business pursuits, operates as a motor carrier.

6. Pursuant to *West Virginia Code* §§ 56-3-31 and 56-3-33, this Court has jurisdiction over the parties and claims asserted in this action as Defendant Burch was operating a tractor owned by Defendant 1st Time and was acting as an employee and/or agent of Defendants 1st Time, Escargo and Fedex when he caused a collision and tortious injury while operating a commercial vehicle on a public road in West Virginia.

7. Pursuant to *West Virginia Code* §56-1-1, Putnam County is an appropriate venue for this action, as it is the location where the collision occurred and a cause of action arose.

COUNT I
Negligence/Recklessness/Vicarious Liability

8. Plaintiff incorporates by reference all preceding allegations contained in this Complaint

9. On or about October 19, 2017, the Plaintiff, Michelle Bonnett, was operating a 2008 Jeep Commander in a northbound direction on Route 25 in Nitro, Putnam County, West Virginia.

10. At the same time, and in that same general location, Defendant Burch was operating a 2009 freightliner owned by Defendant 1st Time.

11. Defendant Burch carelessly and recklessly attempted to make a u-turn from the right lane and entered the left lane of Route 25 where the Plaintiff, Michelle Bonnett, was driving her vehicle. Defendant Burch struck the entire passenger side of the Plaintiff's vehicle.

12. As a direct and proximate result of Defendant Burch's negligent, careless and reckless actions, the tractor-trailer that Defendant Burch was operating struck the Jeep Commander that the Plaintiff, Michelle Bonnett, was driving and caused the Plaintiff to crash.

13. Upon information and belief, at the time of the collision, Defendant Burch was acting as an employee and/or agent of Defendant 1st Time, Fedex and Escargo.

14. As such, Defendants 1st Time, Fedex and Escargo are vicariously liable pursuant to the theories of principal/agency and *respondeat superior* for all wrongful actions and omissions which were committed by their employee/agent, Defendant Burch. Defendants 1st Time, Fedex and Escargo were otherwise negligent.

15. As a direct and proximate result of Defendant Burch's negligent, careless and/or reckless conduct, and the collision described above, the Plaintiff, Michelle Bonnett, suffered injuries to her body, for which she will continue to experience and/or incur:

- (a) medical expenses;
- (b) pain and suffering;
- (c) physical limitations;
- (d) diminished capacity to enjoy life;
- (e) annoyance and inconvenience;
- (f) loss of household services;
- (g) permanent impairment;

- (h) mental anguish;
- (i) future pain and suffering;
- (j) future medical services and consequent costs therefore; and
- (k) other consequences and damages associated with her injuries as may be specified as this action progresses.

COUNT II

Prima Facie Negligence - Defendant Rose

16. Plaintiff incorporates by reference all preceding allegations contained in this Complaint.

17. Defendant Burch, as an operator of a large commercial vehicle on a public roadway in West Virginia, owed a duty to the general public, and in particular to the Plaintiff Michelle Bonnett, to obey all State and Federal laws and regulations with regard to operating a commercial vehicle involved in interstate trucking.

18. Pursuant to *West Virginia Code* §§ 17C-5-3, 17C-6-1 and, 17C-7-10, Defendant Burch was required to: maintain control of the tractor-trailer that he was operating, keep a proper lookout, not engage in wilful or wanton disregard for the safety of other persons or property, and not drive at a speed greater than was reasonable and prudent under the circumstances so as to avoid colliding with any person or vehicle.

19. Defendant Burch violated the requirements of *West Virginia Code* §§ 17C-5-3, 17C-6-1 and, 17C-7-10, by: failing to maintain control of the tractor-trailer that he was operating, keep a proper lookout for the vehicle driven by the Plaintiff, and by wilfully, wantonly and recklessly causing the tractor-trailer that he was operating to strike the Jeep Commander being driven by Plaintiff, Michelle Bonnett.

20. Defendant Burch's illegal actions and inactions proximately caused the collision, Plaintiff Michelle Bonnett's injuries, and the damages as set forth above.

21. Defendant Burch's wrongful conduct constitutes *prima facie* evidence of negligence and is actionable.

22. As a proximate result of her injuries, Plaintiff, Michelle Bonnett, incurred and will incur in the future, substantial, general and special damages, including but not limited to:

- (a) medical expenses;
- (b) pain and suffering;
- (c) physical limitations;
- (d) diminished capacity to enjoy life;
- (e) annoyance and inconvenience;
- (f) loss of household services;
- (g) permanent impairment;
- (h) mental anguish;
- (I) future pain and suffering;
- (j) future medical services and consequent costs therefore; and
- (k) other consequences and damages associated with her injuries as may be specified as this action progresses.

WHEREFORE, the Plaintiff, Michelle Bonnett, requests that she be awarded judgment against the Defendants, 1st Time Transportation, LLC, Fedex Custom Critical, Inc., Escargo, LLC and Christopher Burch, for the following:

- (a) compensatory damages in an amount to be determined by a jury;

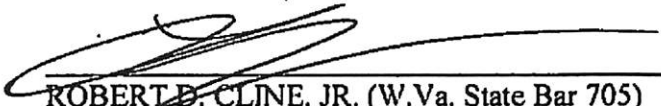
- (b) punitive damages, to the extent that such damages are warranted by the evidence and permitted by applicable law;
- © pre-judgment and post-judgment interest as allowed by law;
- (d) attorneys' fees, costs and expenses incurred in connection with this action; and
- (e) such other and further relief as the Court deems just and appropriate under the circumstances.
- (f) the Plaintiff stipulates that all of her damages do not exceed \$75,000.00.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

MICHELLE BONNETT,

Plaintiff,

By Counsel:



ROBERT D. CLINE, JR. (W.Va. State Bar 705)
ROBERT A. CAMPBELL (W.Va. State Bar 6052)
LETISHA R. BIKA (W.Va. State Bar 5489)
FARMER, CLINE & CAMPBELL, PLLC
746 Myrtle Road (25314)
Post Office Box 3842
Charleston, West Virginia 25338
(304) 346-5990

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES

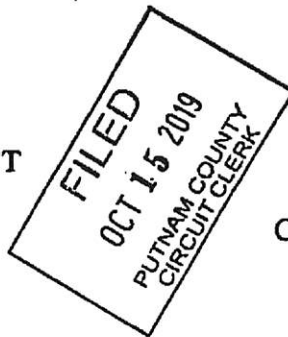
IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

I. CASE STYLE:

Plaintiff(s)

MICHELLE BONNETT

vs.



CIVIL ACTION NO.: 19-C-211

HONORABLE: Stowers

Defendant(s)

Days to
Answer

Type of Service

CHRISTOPHER BURCH
2790 Ave Ave NW L
Winter Haven, FL 33881

30

WV Secretary of State

1ST TIME TRANSPORTATION
c/o Matthew McCauley
8803 Brecksville Road, Suite 7-224
Brecksville, OH 44141

30

WV Secretary of State

FEDEX CUSTOM CRITICAL, INC.
c/o CT Corporation System
1627 Quarrier Street
Charleston, WV 25311

30

WV Secretary of State

ESCARGO, LLC
c/o Denise Barton
225 E. Robinson Street, Suite 570
Orlando, FL 32801

30

WV Secretary of State

Original and 8 copies of Complaint furnished herewith.

PLAINTIFFS: MICHELLE BONNETT	CASE NUMBER:
DEFENDANTS: 1 st TIME TRANSPORTATION, FEDEX CUSTOM CRITICAL, INC., ESCARGO, LLC, AND CHRISTOPHER BURCH	

II. TYPE OF CASE:

TORTS	OTHER CIVIL	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input checked="" type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	<input type="checkbox"/> Fraud or Conversion

III. JURY DEMAND: ☒ Yes ☐ No
CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 10/2020

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☐ NO
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☒ Other: Unknown at this time


Attorney Name: Robert D. Cline, Jr. (W Va. State Bar No. 755)
Robert A. Campbell (W Va., State Bar No. 6052)
Letisha R. Bika (W. Va. State Bar No. 5489)

Firm: FARMER, CLINE & CAMPBELL, PLLC
Address: P.O. Box 3842
Charleston, WV 25338
Telephone: (304) 346-5990

Representing:

- ☒ Plaintiff ☐ Defendant
☐ Cross-Complainant
☐ Cross-Defendant

Dated: 10/14/19


Signature